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S/N 10/054742

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pathiraja A. Gunatillake et al.

Examiner: Kuo-Liang Peng

Serial No.: 10/054742

Group Art Unit: 1712

Filed: January 22, 2002

Docket: 1207.009US1

Title: SHAPE MEMORY POLYURETHANE OR POLYURETHANE-UREA  
POLYMERS

#10 Response  
7/12/03

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

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Applicant has reviewed the Restriction Requirement mailed June 3, 2003, wherein the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 77-132, 137-145, 146 and 152, drawn to a shape memory polymer and a composition thereof, classified in class 525, subclass 452+.
- II. Claims 133-136, drawn to a process for preparing a shape memory polymer, classified in class 528, subclass 44+.
- III. Claims 147-151, drawn to a device or article, classified in class 424, subclass 422+.

Applicant provisionally elects the claims of Group I (claims 77-132, 137-145, 146 and 152, with traverse. The restriction requirement is traversed on the basis that the search and examination of the claims of Groups II and III can be made without serious burden on the Office. M.P.E.P. § 803. Specifically, the claims of Group I are directed to a shape memory polyurethane or polyurethane-urea polymer. The claims of Group II are directed to a process for preparing the shape memory polyurethane or polyurethane-urea polymer of claim 77. The claims of Group III are directed to a device or article that includes the shape memory polymer of claim 77. In light of this, it is respectfully submitted that Applicants should not be required to incur the additional costs associated with the filing of additional divisional application(s) in order to obtain protection for the claimed subject matter. The Examiner is respectfully requested to reconsider and withdraw the Requirement for Restriction.

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Applicant reserves the right to file divisional application(s) on the non-elected claims.

Applicant respectfully requests a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicant's attorney (612-373-6968) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.

Respectfully submitted,

PATHIRAJA A. GUNATILLAKE ET AL.

By their Representatives,

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Date July 3, 2003

By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on this 3rd day of July, 2003.

**Candis B. Buending**

Name

Signature

